

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JAMES DSCHAAK,

Plaintiff,

No. 3:10-cv-1010-PK

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

ORDER

Defendant.

HERNANDEZ, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation (#27) on March 19, 2012, in which he recommends that this Court grant plaintiff's motion for an award of fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 (EAJA).

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v.

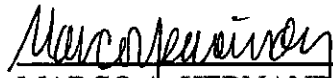
Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Papak's Findings & Recommendation [27]. Accordingly, plaintiff's motion for EAJA fees [22] is granted, and the Commissioner is ordered to pay plaintiff's attorney's fees and costs in the amount of \$7,840.64.

IT IS SO ORDERED.

DATED this 11 day of April, 2012.


MARCO A. HERNANDEZ
United States District Judge